

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL ON OCTOBER 13, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 4:10 p.m. by Mayor Jerry L. Tomlinson.

INVOCATION

Invocation was given by James Dalton, Emergency Management Director.

ROLL CALL

Present: Mayor Jerry L. Tomlinson City Manager James H. Dunegan
Vice-Mayor Ron Cross City Attorney Pat Phelps
Council Member Leon Sherrer City Clerk Leta McNatt
Council Member Thomas Marcum
Council Member Bobby Story

Absent: None

ORDER OF BUSINESS

1. Consent Items
 - a. Consideration Approval of Minutes for the City Council Regular Meeting of September 8, 2009 – *Approved*
 - b. Consideration Approval of Minutes for the City Council Special Meeting of September 18, 2009 – *Approved*
 - c. Consideration Approval of Claims – *Approved*
 - d. Consideration Acknowledgement of Oklahoma Department of Environmental Quality Permit No. WL000007090738 – Donald W. Reynolds Community Center and Library Water Line Relocation – *Acknowledged*
 - e. Consideration Acknowledgement of Oklahoma Department of Environmental Quality Permit No. SL000007090736 – Donald W. Reynolds Community Center and Library Sanitary Sewer Improvements – *Acknowledged*
 - f. Consideration Acceptance of FY2009Oklahoma Department of Commerce/Community Development Block Grant #13899 CDBG 09 for ADA Restrooms in the Department of Public Safety Building and Additional Park Improvements (C-2009-56) – *Approved*
 - g. Consideration Anti-Displacement Plan for FY2009Oklahoma Department of Commerce/Community Development Block Grant #13899 CDBG 09 – *Approved*
 - h. Consideration Acceptance of 2009 Highway Tree Program Grant Award Number SAFETEALU-09-16 for Durant Multi-Sports Complex (C-2009-60) – *Accepted*
 - i. Consideration Authorization to Apply for the 2010 State and Local Assistance Emergency Management Performance Grant (FY2010 SLA Grant) – *Approved*
 - j. Consideration Acceptance of Temporary Construction Easement from Choctaw Nation for Hwy 69/75 Flyover Project – *Accepted*
 - k. Consideration Authorization for Temporary Road Closure of North Gamco Place for Installation of New Waste Water Line – *Approved*
 - l. Consideration Request for Authorization to Advertise for Bids for City Hall Roof Replacement – *Approved*
 - m. Consideration Authorization to Solicit Proposals for Crushing of Concrete for Useable Material in Future Projects – *Approved*
 - n. Consideration Authorization to Purchase Extrication Equipment for Central Fire Station through a Sole Source Vendor – *Approved (See discussion under Item 2. Below)*
 - o. Consideration Budget Amendment Number BA-2010-01 – *Approved*

- p. Consideration Agreement with Oklahoma Natural Gas for Relocation of Utility Lines for the Donald W. Reynolds Community Center and Library (C-2009-61) – *Approved*
- q. Consideration Authorization for Sale of Dirt from Durant Eaker Field – *Approved*
- r. Consideration Assignment of Lease from Durant Fabrication and Manufacturing Inc. to Stahl/Scott-Fetzer – *Approved*

Motion made by Council Member Sherrer and seconded by Council Member Marcum to approve Consent Items with the following item removed for discussion – n.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

2. Consideration of Items Removed from Consent Docket

1. n. – Item removed by Mayor Tomlinson – asked if this item had been budgeted? City Manager Dunegan stated it is included in the new fire station budget.

Motion made by Council Member Sherrer and seconded by Council Member Marcum to approve purchase of extrication equipment for central fire station. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

3. Information Items

- a. Department Reports for September, 2009
- b. City Boards, Committees, and Commissions Minutes for September, 2009
- c. Reynolds Foundation Grant Report

Asst City Manager Houser stated that the utilities have begun to be relocated. Construction should commence in December. All expenses are to be reimbursed by the Reynolds Foundation.

- d. Durant School District Sales Tax Revenue Disbursements

No action; information only

4. Administration

- a. Consideration Ordinance No. 1626 Dedicating an Easement upon Public Property for Accessibility to the Reynolds Community Center and Public Library

Asst City Manager Houser stated the current utilities run underneath where the new building will be located. This easement will provide for relocation of the utilities around the perimeter of the property.

Motion Made by Council Member Marcum and seconded by Council Member Story to approved Ordinance No. 1626 Section 1.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion Made by Council Member Marcum and seconded by Council Member Story to approved Ordinance No. 1626 Section 2.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

- b. Consideration Agreement with AT&T for Relocation of Communication Lines for Donald W. Reynolds Community Center and Library (C-2009-58)

Asst City Manager Houser stated the cost will be reimbursed by the Reynolds Foundation.

Motion Made by Council Member Marcum and seconded by Council Member Sherrer to approved Contract No. C-2009-58.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

- c. Consideration Ordinance No. 1627 Prohibiting the Selling, Giving or Exchanging of Animals by Itinerant Merchants

Asst City Manager Houser stated there have been complaints issued to the selling of animals along the roadway. This will not affect businesses with permanent facilities.

Motion Made by Council Member Marcum and seconded by Council Member Story to approved Ordinance No. 1627 Sections 1-2.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion Made by Council Member Marcum and seconded by Council Member Story to approved Ordinance No. 1627 Section 3.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

- d. Consideration Resolution No. 2009-39 Updating Fee Schedule for Itinerant Merchant Permit

Asst City Manager Houser stated the current fee structure does not cover the labor to issue the permits. The itinerant merchant should be responsible for the additional related costs. This would also allow for the enforcement of current Ordinances on record.

Council Member Marcum asked that this be reviewed for non-profit entities to not be included. City Manager Dunegan stated that non-profit entities are exempt.

Motion Made by Council Member Marcum and seconded by Council Member Sherrer to approved Resolution No. 2009-39.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Sherrer to recess out of regular session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Trustee Sherrer and seconded by Council Member Story to go back into regular session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Sherrer and seconded by Council Member Marcum to enter into Executive Session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Sherrer and seconded by Council Member Marcum to go back into regular session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Presentations, Public Hearings and Citizen Requests – 5:00 p.m.

5. Presentations

- a. Employee Quarterly Awards

6. Community Development

- a. Consideration Ordinance No. 1624 (PC2009-09) Rezoning of Property Located N. of Hwy 70 West, South of University Blvd on North 49th Ave. (613 N. 49th) from the Agriculture “A-1” District to the Professional and Business Offices “C-O” District

Community Development Director Joseph Marquardt presented the zoning request. Staff has received no comments against this request. Staff has received positive remarks from adjacent property owners. Darrell Ledbetter representing the Gastorf Family Clinic stated their desire is to

alleviate some of the traffic to the Emergency Room and Urgent Care with a new facility. No other comments from the audience.

Motion Made by Council Member Story and seconded by Council Member Sherrer to approved Ordinance No. 1624 Section 1.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion Made by Council Member Story and seconded by Council Member Sherrer to approved Ordinance No. 1624 Section 2.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

- b. Consideration Ordinance No. 1625 (PC2009-10) Rezoning of Property Located at 1315 University Blvd from the Two-Family Residential "R-2" District to the Highway Commercial and Commercial Recreation "C-2" District

Community Development Director Joseph Marquardt presented the zoning request. Staff has received no comments against this request. The Planning Commission did receive positive remarks from adjacent property owners. Council Member Marcum asked if there would be adequate parking? Mr. Marquardt stated there would be adequate parking. No other comments from the audience.

Motion Made by Council Member Story and seconded by Council Member Sherrer to approved Ordinance No. 1625 Section 1.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion Made by Council Member Story and seconded by Council Member Sherrer to approved Ordinance No. 1625 Section 2.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

7. Executive Session

- a. Consideration Executive Session for Purposes of Discussing the Purchase or Appraisal of Real Property (Executive Session Authorized by Title 25, Section 307 B(3) of the Oklahoma State Statutes)
- b. Consideration Action Pursuant to Item 7a Above

Motion Made by Council Member Marcum and seconded by Council Member Story to authorize the City Manager to negotiate a purchase price for the property located at 2025 Sunnyside Rd. Durant, OK, according to the appraisal.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

8. New Business

No New Business at this time.

ADJOURNMENT – 5:20 p.m.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to adjourn. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Agenda posted on Durant City Hall Entry Door at 3:00 p.m. on the 8th day of October, 2009 by LaVona Staggs, Management Assistant.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY UTILITIES AUTHORITY ON OCTOBER 13, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 4:26 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

Present: Chairman Jerry L. Tomlinson City Manager James H. Dunegan
Vice-Chairman Ron Cross City Attorney Pat Phelps
Trustee Leon Sherrer Secretary Leta McNatt
Trustee Bobby Story
Absent: Trustee Thomas Marcum

ORDER OF BUSINESS

1. Consent Items
 - a. Consideration Approval of Minutes for the Durant City Utilities Authority Regular Meeting of September 8, 2009 – *Approved*
 - b. Consideration Approval of Claims – *Approved*
 - c. Consideration Award of Bid for (2) 3-axle Transfer Trucks for Landfill (Bid No. 2009-126) – *Bid Awarded to ATC Freightliner Group for \$165,950.00*
 - d. Consideration Authorization to Advertise for Bids for Automated Collection Truck for Solid Waste – *Approved*
 - e. Consideration Authorization to Purchase through Sole Source (1) Backup Motive Pump – *Approved*

Motion made by Trustee Story and seconded by Trustee Sherrer to approve the Consent Items a - e as presented. Motion carried with the following vote:

Aye: Sherrer, Story, Cross, Tomlinson
Nay: None Abstain: None

2. Consideration of Items Removed from Consent
No Action.
3. Information Items:
 - a. Department Reports for September, 2009
 - b. Utility Billing Summary for September, 2009No action; information only
4. New Business
No New Business at this time.

ADJOURNMENT

Motion made by Trustee Sherrer and seconded by Trustee Story to adjourn. Motion carried with the following vote:

Aye: Sherrer, Story, Cross, Tomlinson
Nay: None Abstain: None

Agenda posted on Durant City Hall Entry Door at 3:00 p.m. on the 8th day of October, 2009 by LaVona Staggs, Management Assistant.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT AIRPORT AUTHORITY ON OCTOBER 13, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 4:29 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

Present: Chairman Jerry L. Tomlinson
Vice-Chairman Ron Cross
Trustee Leon Sherrer
Trustee Thomas Marcum
Trustee Bobby Story

City Manager James H. Dunegan
City Attorney Pat Phelps
Secretary Leta McNatt

Absent: None

ORDER OF BUSINESS

1. Consent Items

- a. Consideration Approval of Minutes for the Durant Airport Authority Regular Meeting of September 8, 2009 – *Approved*
- b. Consideration Approval of Claims – *Approved*

Motion made Trustee Story by and seconded by Trustee Sherrer to approve the Consent Docket items a & b as presented. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson
Nay: None Abstain: None

2. Consideration of Items Removed from Consent Docket

No Action

3. Information Items:

- a. Department Reports for September, 2009
- b. Committee Reports & Minutes for September, 2009
- c. Airport Terminal Update

Public Works Director Jerry Yandell reported there was a pre-bid construction meeting with eleven contractors present. Bid opening is scheduled for next Tuesday, October 20, 2009.

4. New Business

No New Business at this time.

ADJOURNMENT

Motion made by Trustee Sherrer and seconded by Trustee Story to adjourn. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson
Nay: None Abstain: None

Agenda posted on Durant City Hall Entry Door at 3:00 p.m. on the 8th day of October, 2009 by LaVona Staggs, Management Assistant

MINUTES OF THE SPECIAL MEETING OF THE DURANT DEVELOPMENT AUTHORITY ON OCTOBER 13, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 4:32 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

Present:	Chairman Jerry L. Tomlinson	City Manager James H. Dunegan
	Vice-Chairman Ron Cross	City Attorney Pat Phelps
	Trustee Leon Sherrer	Secretary Leta McNatt
	Trustee Thomas Marcum	
	Trustee Bobby Story	

Absent: None

ORDER OF BUSINESS

1. Consideration Amendment to Schedule of Meetings for Remainder of 2009 Calendar Year

Motion made Trustee Marcum by and seconded by Trustee Sherrer to approve the Amended Schedule of Meetings for the Durant Development Authority. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

ADJOURNMENT

Motion made by Trustee Marcum and seconded by Trustee Sherrer to adjourn. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None